

Probate Status Hearing Re Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200)

DOD: 3/11/2010		<p>OWEN R. OVERTON was appointed Administrator without bond on 5/25/10 and Letters issued.</p> <p>I & A was filed on 12/22/11 showing the estate valued at \$510,000.00</p> <p>First Account or Petition for Final Distribution was due June 2011.</p> <p>Status Report filed on 2/14/13 states the estate has been delayed because of the difficulty of selling the apartment building which constitutes the primary asset of the estate. The market for small apartment buildings is still very challenging and there have been very few sales in the Clovis area. Administrator states they have dropped the listing price to \$575,000.00. They are currently negotiating what appears to be an all-cash offer of \$500,000.00. If this sale does not materialize, they will be dropping the listing price to \$550,000.00.</p> <p>It will be necessary to sell the real property because there are multiple beneficiaries and they will not consent to joint ownership of the property.</p> <p>All creditor's claims who have filed claims against the estate have been paid.</p> <p>Status Report of Edward Ramirez, attorney for Ana Overton, surviving spouse filed on 2/20/13 states the Administrator has not filed any accounting since his date of appointment as required by statute. At this time they are requesting the Court order an accounting giving the Personal Representative 30 days to file it with the Court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Petition for Settlement of First Account was filed and is set for hearing on 6/20/2013.</p>
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Reviewed by: KT
Reviewed on: 5/21/13
Updates:
Recommendation:
File 1 - Overton

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole E.; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Status Hearing

Leonarda DOD: 7/31/2000	<p>CARMELA DeSANTIS, daughter and Trust Beneficiary, filed a <i>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets</i> on 7/26/2012.</p> <p>NICOLA "NICK" VERNI, son and Successor Trustee of the SURVIVOR'S TRUST, and ANTONIETTA "ROSA" VERNI, daughter and Trustee of the MERGED FAMILY SUB-TRUST, filed a <i>Response to Petition to Remove Trustees, etc.</i> on 9/27/2012.</p> <p>CARMELA DeSANTIS filed a <i>Petition to Construe Trust Provision</i> on 7/26/2012.</p> <p>NICK VERNI and ROSA VERNI filed a <i>Response to Petition to Construe Trust Provision</i> on 9/27/2012.</p> <p>CARMELA DeSANTIS filed a <i>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust</i> on 8/14/2012.</p> <p>NICK VERNI and ROSA VERNI filed a <i>Response to Petition to Establish Claim of Ownership</i> on 9/27/12.</p> <p>CARMELA DeSANTIS filed <i>Amended Objections to First Account Current of Trustee</i>, and filed <i>Objections to Second Account Current of Trustee</i>, both filed on 7/26/2012.</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 3/22/2013.</u> The Court directs counsel to submit a joint status statement.</p> <p><u>Note:</u> Matter is set for Court Trial on <u>9/10/2013</u> with a 15-day estimate.</p> <p><u>Page 2B</u> is the <i>Petition to Remove Trustees, etc.</i></p> <p><u>Page 2C</u> is the <i>Petition to Construe Trust Provision.</i></p> <p><u>Page 2D</u> is the <i>Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.</i></p>
Saverio DOD: 5/25/2009		
Cont. from 120512, 010313, 022113, 032213		
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<input type="checkbox"/> FTB Notice		
	<p>Reviewed by: LEG</p> <p>Reviewed on: 5/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A - Verni</p>	

Petitioner Carmela DeSantis' Status Report filed by Joseph Marchini on 5/14/2013 states:

- **Pending Petitions:** Petitioner has several petitions and several objections to trustee accountings pending before the Court in this matter:
 - (a) Petition to (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets;
 - (b) Petition to Construe Trust Provision;
 - (c) Petition to Establish Claim of Ownership in Favor of Trust to Property and for Order Directing its Transfer to the Trustees to Hold in Trust;
 - (d) Objections to First Account Current and Report of Trustees and Petition for its Settlement;
 - (e) Amended Objections to the First Account Current and Report of Trustees; and
 - (f) Objections to the Second Account Current.
- **Additional Petitions:** The Trustees have provided, but not filed with the Court, accountings for 2011 and 2012; Petitioner questions certain transactions disclosed in those reports; she will most likely file objections to those reports.
- **Discovery:** Early in this case, Petitioner served written discovery, to which the trustees have responded; the parties have agreed to an open extension of time for Petitioner to bring a motion to compel; in order to expedite the review of documents, and hopefully, the resolution of disputed transactions, Petitioner has retained a forensic accountant to review accounting records directly with the accountants retained by the Trustees, and the review process is continuing; Petitioner anticipates that several party depositions will need to be taken; the extent to which third party depositions are necessary will depend upon the sufficiency of the data presented to the forensic to answer Petitioner's questions; Petitioner proposes that the parties agree to waive percipient witness discovery cut-offs in order to accommodate summer and trial schedules; Petitioner further proposes that the parties agree to resolve disputes on shortened notice with the Court's assistance and consent.
- **Bifurcation:** Hearings on the various petitions and objections are scheduled for 9/10/2013; Petitioner recommends severing the issue of tracing and valuing inter vivos gifts to a date after the Court has resolved the trust interpretation issue set to be heard with the other petitions on 9/10/2013.

Petitioner requests another status conference in approximately 30 days.

2B In the Matter of the Verni Family Trust (Trust)

Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]

Leonarda DOD: 7/31/2000	CARMELA DeSANTIS , daughter and Trust Beneficiary, is Petitioner. Petitioner states: <ul style="list-style-type: none"> The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI and LEONARDA VERNI on 6/10/1999, and was amended once by Settlor on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which was amended once during both Trustors' lifetimes), and the VERNI SURVIVOR'S TRUST (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the SURVIVOR'S TRUST seven times, with the <i>Eighth Amendment</i> (the final) amending the SURVIVOR'S TRUST in its entirety; Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the MERGED FAMILY SUB-TRUST; Pursuant to the Trust terms, ANTONIETTA ROSA VERNI, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, NICOLA VERNI, son, is first appointed and currently serves as Successor Trustee of the SURVIVOR'S TRUST; The beneficiaries of each of the Sub-Trusts are the Settlor's five children: ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS (Petitioner); and specific distributions from the Survivor's Sub-Trust are to ERLINDA MARCIANO VERNI (\$200,000.00) and ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00); Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust; Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust. 	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 3/22/2013.</u> Note: Additional notes pages originally prepared with respect to this petition have been omitted.	
Saverio DOD: 5/25/2009			
Cont. from 091112, 100212, 120512, 010313, 022113, 032213			
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Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 5/22/13	
		Updates:	
		Recommendation	
		File 2B - Verni	

Dept. 303, 9:00 a.m., Friday, May 24, 2013

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000	<p>CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI and LEONARDA VERNI on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which was amended once during both Trustors' lifetimes), and the VERNI SURVIVOR'S TRUST (copies of Trusts attached as Exhibit A); The instant petition relates to a provision contained in the SURVIVOR'S SUB-TRUST; over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements; The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the SURVIVOR'S SUB-TRUST; because the SURVIVOR'S SUB-TRUST will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the SURVIVOR'S SUB-TRUST will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization; The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should <u>not</u> be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor. <p>Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the SURVIVOR'S SUB-TRUST [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 3/22/2013.</u></p> <p>Note: Additional notes pages originally prepared with respect to this petition have been omitted.</p>
Saverio DOD: 5/25/2009		
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	<p>Reviewed by: LEG</p> <p>Reviewed on: 5/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2C – Verni</p>	

2D In the Matter of the Verni Family Trust (Trust)

Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole E.; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)

Leonarda DOD: 7/31/2000	<p>CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.</p> <p>Summary of Petitioner's requests for specific relief:</p> <ol style="list-style-type: none"> Determining that the following is property of the Trust estate: <ol style="list-style-type: none"> Almond crops: (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops; Olive crops: (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops; Other crops (Stone Fruit, Grapes, Etc.): (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops; Other Inventory on Hand: (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;] Proceeds from Sale of Trust Real Property: The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than \$1,000,000.00; Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and For treble damages pursuant to Probate Code § 859. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/22/2013.</p> <p>Note: Additional notes pages originally prepared with respect to this petition have been omitted.</p>
Saverio DOD: 5/25/2009		
Cont. from 100212, 120512, 010313, 022113, 032213		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 5/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2D - Verni</p>

3**Larry M. Ward (Estate)****Case No. 12CEPR00007**

Atty

Bell, James M., and Mayhew, Kimberly L. (of Caswell Bell & Hillison, LLP, for John Leonard – Executor)

Atty

Keeler, William J. (for Brenda Ward – Surviving Spouse – Petitioner)

Petition for Award of Homestead Pursuant to Probate Code Section 6525

DOD: 11-12-11		NEEDS/PROBLEMS/COMMENTS:	
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	Order		X
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	Status Rpt		
	UCC/JEA		
	Citation		
	FTB Notice		
		<u>OFF CALENDAR</u>	
		Dismissal entered 4-30-13	
		Reviewed by: skc	
		Reviewed on: 5-22-13	
		Updates:	
		Recommendation:	
		File 3 - Ward	

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DOD: 08/05/12		RAY HARIKIAN , nephew, was appointed Executor without bond on 09/25/12. Letters Testamentary were issued on 09/25/12.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Inventory & Appraisal, Partial No. 1 was filed 12/11/12 - \$149,659.00.	<u>OFF CALENDAR</u> Final Inventory & Appraisal filed 04/09/13
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Inventory & Appraisal, Final filed 04/09/13 - \$85,610.40	
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			Reviewed by: JF
			Reviewed on: 05/21/13
			Updates:
			Recommendation:
			File 4 – Harikian

Atty Dowling, Michael D.; Matlak, Steven M., of Dowling Aaron Inc. (for Co-Administrators Jeffrey D. Hall and Stephen G. Hall)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 6/6/2012		<p>JEFFREY DAVID HALL and STEPHEN GREGORY HALL, sons, were appointed as Co-Administrators with Full IAEA without bond on 10/12/2012, and Letters issued on that date.</p> <p>Minute Order dated 10/11/2012 from the hearing on the appointment of administrator set this matter on 3/8/2013 for filing of the inventory and appraisal.</p> <p>Status Report filed 2/28/2013 by the Attorneys for the Co-Administrators states:</p> <ul style="list-style-type: none"> On 2/21/2013, their office provided inventories for appraisal of real property owned by Decedent in Fresno, Kern and Los Angeles Counties to the probate referee appointed in this matter [Steven Deibert]; They are currently awaiting receipt of those appraisals from the probate referee; The Co-Administrators in this matter have kept their office informed that they are working on locating and gathering additional information concerning other assets owned by the Decedent; their office continues to press the Co-Administrators to provide them with this information. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p align="center">OFF CALENDAR</p> <p>Final Inventory and Appraisal filed 5/22/2013.</p> <p>Notes:</p> <ul style="list-style-type: none"> Partial #1 Inventory and Appraisal was filed on 4/2/2013 showing a value of \$190,000.00. Partial #2 Inventory and Appraisal was filed on 4/2/2013 showing a value of \$225,000.00. Partial #3 Inventory and Appraisal was filed on 4/2/2013 showing a value of \$6,000.00. Partial #4 Inventory and Appraisal was filed on 5/22/2013 showing a value of \$235,881.02. Final Inventory and Appraisal was filed on 5/22/2013 showing a value of \$309,473.23
Cont. from 030813, 040513			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 5/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Hall</p>	

Age: 12 years		<p>THE CYNTHIA WELCH SPECIAL NEEDS TRUST was established pursuant to an ORDER ESTABLISHING TERMS OF CYNTHIA WELCH SPECIAL NEEDS TRUST AND FOR CONTINUING COURT JURISDICTION UPON CREATION OF TRUST IN UNDERLYING ACTION on 05/02/05.</p> <p>ORDER APPROVING PETITION TO EXCLUDE FUNDS FROM THE ESTATE AND TO DIRECT PAYMENT TO SPECIAL NEEDS TRUST was entered in the underlying civil action on 05/12/05.</p> <p>Trustee, CAROLYN BATES-WELCH, filed a bond in the amount of \$125,000.00 on 07/22/05.</p> <p>The First Account and Report of Trustee for the period of 06/01/05 – 12/31/06 was approved on 09/10/07.</p> <p>The Second Account and Report of Trustee for the period of 01/01/07 – 12/31/10 was approved on 09/21/12.</p> <p>Notice of Status Hearing filed 03/13/13 set this matter for status regarding filing of the 3rd Account. Clerk's Certificate of Mailing states that a copy of the Notice of Status Hearing was mailed to Attorney Lanier Thomas on 03/13/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u> Third Account filed 05/21/13</p>
Cont. from 041913			
Aff.Sub.Wit.			
Verified			
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Reviewed by: JF
Reviewed on: 05/21/13
Updates:
Recommendation:
File 6 – Welch

		<p>HELEN WILSON is the Trustee of the Jude Tinsley Special Needs Trust.</p> <p>On 4/18/2013 the Court approved the Eighth Account of the Jude Tinsley Special Needs Trust and ordered \$8,500.00 to be placed into a blocked account.</p> <p>Order to Deposit Money into Blocked Account was signed on 4/18/2013.</p> <p>This status hearing was set for the filing of the Receipt for Blocked Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Receipt for Blocked Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/21/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 – Tinsley</p>	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq)

DOD: 09/03/07	ROSARIO GUIZAR , sister, was appointed Administrator with full IAEA and bond set at \$70,000.00 on 04/15/10. Bond was filed on 10/15/10 and Letters were issued on 10/15/10.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 121412, 020813, 031513, 041913	Inventory & Appraisal filed 11/03/10 shows an estate value of \$70,327.73.	OFF CALENDAR. First and Final Account and Petition for Final Distribution was filed and is set for hearing on 6/27/2013
Aff.Sub.Wit.	Notice of Status Hearing filed 10/19/12 set this matter for status. Clerk's certificate of mailing states that the Notice of Status Hearing was mailed to Edward L. Fanucchi on 10/19/12.	
Verified		
Inventory		
PTC		
Not.Cred.	Minute order dated 12/14/12 states Counsel informs the Court that there may be a step-son whom they've been unable to find. The Court indicates to counsel that an accounting will be to be filed by the next hearing as well as a declaration as to what is being done to locate the heir and bring this matter to closure.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Status Report filed on 2/6/13 states the Administrator Rosario Guizar is currently having a skip trace performed by First Legal Network in an attempt to locate the step-son. The family has had no contact with him in years past. The paralegal is hopeful to have additional information by the end of February 2013.	
Conf. Screen		
Letters		
Duties/Supp	Skip Trace Report on Juan Garza filed on 3/5/13 states they were unable to locate Juan Garza.	
Objections		
Video Receipt	Unverified Status Report filed on 3/13/13 states that since the heirs of the estate do not wish to cooperate with the sale or transfer of the ½ interest in real property belonging to the estate, and due to the Creditor's Claim of the Department of Health Services, an accounting of the assets will be prepared and filed for distribution of the estate's ½ interest in the real property to the heirs-at-law subject to the Department of Health Services lien. Said accounting should be ready for filing by April 15, 2013.	
CI Report		
9202		Reviewed by: KT
Order		Reviewed on: 5/21/13
Aff. Posting		Updates:
Status Rpt		Recommendation:
UCCJEA		File 8 - Garcia
Citation		
FTB Notice		

DOD: 3/15/11		<p>TIMOTHY JOHNSON was appointed Administrator with Will Annexed, with full IAEA authority and bond set at \$80,000 on 12/15/2011.</p> <p>Bond was filed on 2/24/12 and Letters issued.</p> <p>I & A filed 4/26/12 show the estate valued at \$145,000.00</p> <p>Notice of Status Hearing for failure to file a first account or petition for final distribution was mailed to attorney Edward Fannuchi on 1/14/13.</p> <p>Unverified Status Report of Attorney Fannuchi filed 5/17/13 states the counsel is awaiting the release from DCM Services on the payment of the creditor's claim filed on behalf of PG&E.</p> <p>Counsel is awaiting the release or notification of a lien from the Department of Health Care Services.</p> <p>It is anticipated that those releases should arrive any day.</p> <p>The First and Final Account and Petition for Final Distribution has been prepared and is ready for filing upon receipt of those releases.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Status Report was not verified. Local Rule 7.5B and Probate Code §1021 requires status reports to be verified.</p>
Cont. from 030113, 031513, 041913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Johnson</p>	

10

Probate Status Hearing Re: Filing Inventory and Appraisal

DOD: 11/17/11		JUDY TOLER , daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order from 08/02/12 set this matter for status re: filing the Inventory & Appraisal on 12/07/12.	<u>OFF CALENDAR</u> Final I & A Filed 05/09/13
Cont. from 120712, 030113, 041513, 050613			
<input type="checkbox"/>	Aff.Sub.Wit.	Inventory & Appraisal filed 02/08/13 - \$62,465.69.	
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Minute order from 03/01/13 states: No appearances. The Court notes for the minute order that there is no status report and there are assets that require appraisal. The Court further notes that a complete inventory is needed. Matter is continued to 04/15/13. The Court orders Myron Smith to be personally present on 04/15/13.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		Reviewed by: JF
<input type="checkbox"/>	Status Rpt		Reviewed on: 05/21/13
<input type="checkbox"/>	UCCJEA		Updates:
<input type="checkbox"/>	Citation		Recommendation:
<input type="checkbox"/>	FTB Notice		File 11A - Barnes

11A

Status Hearing Re: Removal of Executor

DOD: 11/17/11		<p>JUDY TOLER, daughter, was appointed Executor without bond on 08/02/12. Letters were issued on 08/23/12.</p> <p>Minute Order from 08/02/12 set the matter for status re: filing the Inventory & Appraisal on 12/07/12. The status hearing regarding the Inventory & Appraisal was continued 4 times to 03/01/13, 04/15/13, 05/06/13 and 05/24/13.</p> <p>Inventory & Appraisal filed 02/08/13 - \$62,465.69 was incomplete.</p> <p>Minute orders from 03/01/13, 04/15/2013 and 05/16/13 indicates that there were no appearances at any of these hearings.</p> <p>Minute Order from 05/06/13 states: The Court notes for the minute order that the hour is 9:20 am and there are no appearances. The Court further notes that there was no appearance at the last two hearings. The Court imposes sanctions in the amount of \$500.00 against Myron F. Smith. The Court orders that the sanctions be personally paid by Myron Smith and not his client.</p> <p>Final Inventory & Appraisal filed 05/09/13.</p> <p>Clerk's Certificate of Mailing filed 05/10/13 indicates that copies of the Minute Orders from 05/06/13 were mailed to Myron F. Smith, Esq. on 05/10/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Copies of the Minute Orders from 03/01/13, 04/15/13 and 05/06/13 were all mailed to attorney Myron Smith.</p> <p>A Notice of Change of Address for Attorney Myron Smith was filed 05/08/13.</p>	
Cont. from				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				<p>Reviewed by: JF</p> <p>Reviewed on: 05/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11B – Barnes</p>

Probate Status Hearing Re: Increase of Bond

Age:		<p>IAN KINSEY, brother, was appointed Conservator of the Estate with bond set at \$15,000.00 on 01/29/13.</p> <p>Bond in the amount of \$15,000.00 was filed on 02/06/13.</p> <p>Letters of Conservatorship were issued on 02/08/13.</p> <p>Inventory & Appraisal filed 05/02/13 – shows cash assets of \$250,000.00 from settlement.</p> <p>Notice of Status Hearing filed 05/06/13 set this matter for status regarding the sufficiency of the bond (\$15,000.00) in light of the Inventory & Appraisal showing cash assets in the amount of \$250,000.00.</p> <p>Clerk’s Certificate of Mailing indicates that the Notice of Status Hearing was mailed to attorney Paul Pimentel on 05/06/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
	Aff.Sub.Wit.		
	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 05/21/13	
		Updates:	
		Recommendation:	
		File 12 – Kinsey	

**Status Hearing Re: Receipt and Acknowledgement of Order for Deposit of Money
into Blocked Account**

Age: 7		<p>PAO CHANG, father, was appointed Guardian of the Estate on 03/04/13. All proceeds were ordered to be deposited into a blocked account.</p> <p>Letters of Guardianship were issued on 03/05/13.</p> <p>Notice of Taking Possession or Control of an Asset of Minor or Conservatee filed 03/19/13 states that assets in the amount of \$6,378.15 were released to the Guardian.</p> <p>Substitution of Attorney filed 04/19/13 states that the guardian is now representing himself.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Guardian was formerly represented by Michael Farmer.</p> <p>1. Need Receipt and Acknowledgement of Order to Deposit of Money into Blocked Account.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<div>Reviewed by: JF</div> <div>Reviewed on: 05/21/13</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 13 – Cha</div>	

Status Hearing Re: Filing of the Receipt of Funds in a Blocked Account

Age: 77		HEATHER AGUIRRE , daughter, was appointed Conservator of the Estate on 04/22/13. Letters of Conservatorship were issued on 04/23/13.	NEEDS/PROBLEMS/COMMENTS: 1. Need Acknowledgement and Receipt of Order to Deposit Money into Blocked Account.
		Order to Deposit Money into Blocked Account was filed 04/22/13.	
Cont. from		Minute Order from 04/22/13 set this matter for hearing re Filing of the Acknowledgement and Receipt of Order to Deposit Money into Blocked Account.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Status Hearing Report filed 05/20/13 states: the Conservator has not yet received the conservatee's inheritance share from the estate of his brother, Leslie MacMurray. Leslie MacMurray's estate is currently being probated in Massachusetts. On 05/17/13, the attorney for the Administrator of Leslie MacMurray's estate communicated that the funds will be sent to the Conservator within 30 days. Upon receipt of the funds, the conservator will deposit them promptly into a blocked account. It is requested that this status hearing be continued to early July to allow time for the conservator to receive the funds.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: JF
Reviewed on: 05/21/13
Updates:
Recommendation:
File 14 – MacMurray

Status Hearing Re: Filing of the Bond

Age:			NEEDS/PROBLEMS/COMMENTS:	
DOD:				
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: JF
				Reviewed on: 05/21/13
		Updates:		
		Recommendation:		
		File 15 – Bradley		

Pro Per

Griffith, Estella (Pro Per Administrator)

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 8/18/2010	ESTELLA GRIFFITH , sister, was appointed Administrator with Full IAEA Authority without bond on 9/26/2011, and <i>Letters</i> issued on that date.	NEEDS/PROBLEMS/COMMENTS: <u>Page 16B</u> is the Order to Show Cause. <u>OFF CALENDAR</u> Page 16A only <i>Final Account and Report and Petition for Final Distribution</i> was filed 5/9/2013 and is set for hearing on <u>6/12/2013</u> . Background: Minute Order dated 3/1/2013 states Ms. Griffith is informed that the Franchise Tax Board needs to be given notice. At the direction of the Court, a copy of the examiner notes with the notes to the judge is provided to Ms. Griffith.
Cont. from 111312, 011813, 030113, 041213	<i>Final Inventory and Appraisal</i> filed 3/11/2011 (filed prior to the appointment of Petitioner as Administrator) shows an estate value of \$193,100.00 , consisting of a 1/5th interest in real property located in Los Angeles, California (total real property value stated as \$965,000.00 per Probate Referee Rick Smith.)	
Aff.Sub.Wit.	<p>Documents entitled <i>Waiver of Account</i>, each stating that the undersigned beneficiary of the estate "hereby waives the filing and settlement of a final account, " have been filed by the Petitioner on the following dates, signed by the following persons (these persons do not constitute all heirs listed in the initial petition for letters of administration):</p> <ul style="list-style-type: none"> • Pedro S. Escandon, nephew, filed 10/29/2012; • Esther E. Tinajero, niece, filed 10/29/2012; • Estella Griffith, sister (Petitioner), filed 10/23/2012; • Donna Stevens, niece, filed 6/25/2012; • Steven Escandon, nephew, filed 6/21/2012; • Jay Alamo, nephew, filed 5/29/2012; • Raymond Beltran, nephew, filed 5/21/2012; • Albert Oliva, nephew, filed 3/16/2012; • Erlinda Lopez, (relationship unstated), filed 3/16/2012; • Arthur Robles, nephew, filed 3/15/2012; [Note: This heir is deceased, per Petitioner at hearing on 11/13/2012.] • Raquel Pena, sister, filed 3/15/2012; • Christina Escandon, niece, filed 3/15/2012. 	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 5/22/13
		Updates:
		Recommendation:
		File 16A - Escandon

16A

Pro Per Griffith, Estella (Pro Per Administrator)

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00

DOD: 8/18/2010		<p>ESTELLA GRIFFITH, sister, was appointed Administrator with Full IAEA Authority without bond on 9/26/2011, and <i>Letters</i> issued on that date.</p> <p>Following Status Hearings on 11/13/2012, 1/18/2013, and 3/1/2013, at which the Administrator was provided with a copy of the examiner notes with Court direction to cure the defects, and also following the last Status Hearing in this matter on 4/12/2013 at which the Administrator did not appear, the Court issued an Order to Show Cause as stated on the <i>Minute Order</i> [Donald Black] dated 4/12/2013:</p> <ul style="list-style-type: none"> The Court notes for the minute order that the waivers previously filed are ineffective in that they have not been signed by all the appropriate parties. The Court set the matter for an Order to Show Cause on 5/24/2013 regarding failure to appear and imposition of sanctions in the amount of \$500.00; The Court orders Estella Griffith to be personally present on 5/24/2013. Estella Griffith is ordered to file the first account or petition for final distribution by the next hearing. <p><i>Clerk's Certificate of Mailing</i> filed 4/15/2013 shows a copy of the Minute Order dated 4/12/2013 and the <i>Order Re: Order to Show Cause</i> signed 4/15/2013 was mailed to Estella Griffith on 4/15/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: <i>Final Account and Report and Petition for Final Distribution</i> was filed 5/9/2013 and is set for hearing on <u>6/12/2013</u>.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 5/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16B – Escandon</p>	

16B

Status Hearing Re: Filing of Receipt for Blocked Account

Age: 17		SONAE MARSHALL , sister, was appointed Guardian of the Estate on 01/09/13.	NEEDS/PROBLEMS/COMMENTS:
		The Petition stated that the minor was to receive life insurance proceeds in the amount of \$102,000.00.	<u>CONTINUED FROM 05/17/13</u> Minute Order dated 05/17/13 states: Ms. Marshall informs the Court that the money has not been deposited and she lost the receipt. Matter is continued to 05/24/13. Ms. Marshall is directed to go to the Clerk's office forthwith and obtain the necessary form. The Court orders Ms. Marshall to deposit the money today.
Cont. from 022213, 041213, 051713			
<input type="checkbox"/>	Aff.Sub.Wit.	Order to Deposit Money into Blocked Account was filed 01/09/13.	As of 05/21/13, nothing further has been filed and the following notes remain: 1. Need Receipt and Acknowledgement of Order for the Deposit of Money into Blocked Account.
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Letters were issued on 01/16/13.	<div>Reviewed by: JF</div> <div>Reviewed on: 05/21/13</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 17 - Marshall</div>
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		